

REMARKS

Applicant respectfully requests the Examiner to reconsider and again examine the claims as amended in accordance with the provisions of 37 C.F.R. §1.116.

Claims 1-41 are pending in the application. Claims 13-21 and 32-41 are allowed. Claims 1, 3, 9-12, 22, and 28-31 are rejected. Claims 2, 4-8 and 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including the limitations of any intervening claims. Claims 1, 3, and 22 are amended herein. Claims 5-8 and 24-27 are also amended herein in order to change dependency and not for reasons of patentability as will be apparent. Claim 2, 4, and 23 are canceled herein without prejudice.

The Rejections under 35 U.S.C. §103(a)

The Examiner rejects Claims 1, 3, 9-12, 22, and 28-31 under 35 U.S.C. §103(a) as being unpatentable over Wiley et al. (U.S. Patent number 6,154,219) in view of Varon (U.S. Patent number 6,081,764).

Independent Claim 1 is amended herein to incorporate the language of Claim 2, and Claim 2 is canceled accordingly herein without prejudice. As described above, Claim 2 is objected to, but would be allowable if re-written in independent form, including the limitations of any intervening claims.

In view of the above, Applicant submits that the rejection of Claim 1 is now moot.

Independent Claim 3 is amended herein to incorporate the language of Claim 4, and Claim 4 is canceled accordingly herein without prejudice. As described above, Claim 4 is objected to, but would be allowable if re-written in independent form, including the limitations

of any intervening claims. Claims 9-12 depend from, and thus include the limitations of Claim 3.

In view of the above, Applicant submits that the rejection of Claim 3 and 9-12 is now moot.

Independent Claim 22 is amended herein to incorporate the language of Claim 23, and Claim 23 is canceled accordingly herein without prejudice. As described above, Claim 23 is objected to, but would be allowable if re-written in independent form, including the limitations of any intervening claims. Claims 28-31 depend from, and thus include the limitations of Claim 22.

In view of the above, Applicant submits that the rejection of Claims 22 and 28-31 is now moot.

In view of the above Amendments and Remarks, Applicant submits that Claims 1, 3, 5-22, and 24-41 and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

Applicant states for the record that the above-described amendments to the claims do not indicate that the Applicants agree with the Examiner's position with regard to Wiley et al. or Varon. However, Applicants wish to move the case forward to issue.

It is submitted that this amendment places the application in condition for allowance or in better form for consideration on appeal, and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Response or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

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Respectfully submitted,

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